

Transcription of Telephone Recording
Judge Lackey to Tim Balducci
May 29, 2007
Duration: 14:24; File: 5_29_07.mp3

J. LACKEY: [Recording begins mid-sentence] ... 25th, 2007, at approximately 10:30 a.m. I am in my conference room or library in my office in Calhoun City. I'm going to be attempting to call Mr. Tim Balducci at his office number in New Albany at his number 662 534 1944. I'll be calling from my office number 628 5131 or 628 6478, whichever one the rollover equipment picks up. And my name is Henry L. Lackey. I'm Circuit Judge in the Third Circuit Court District of the State of Mississippi.

UD VOICE: Law office. May I help you?

J. LACKEY: Yes, this is Henry Lackey. Is Mr. Balducci in this morning?

UD VOICE: No he's not. I don't - he's not going to be back till Tuesday really. He'll be back Tuesday.

J. LACKEY: Okay.

UD VOICE: Would you like his voicemail?

J. LACKEY: No, no no no, that's fine.

UD VOICE: Okay.

J. LACKEY: I just hope he has a good weekend and I hope you do.

UD VOICE: Okay. Thank you too.

J. LACKEY: Thank you. Uh huh. Bye bye.

[End of call]

J. LACKEY: This is Tuesday, May the 29th, 2007. I am placing a call from my office in Calhoun City from 662 628 5131 or 6478, whichever one the rollover machine picks up, and I'm going to be calling for Mr. Tim Balducci at his office number in New Albany, 601 946 0720, and it's approximately five minutes until 10:00 a.m. on this Tuesday morning, May the 29th, 2007.

UD VOICE: Law office. May I help you?

J. LACKEY: Yes, this is Henry Lackey, L - A - C - K - E - Y.

UD VOICE: Yes, sir.

J. LACKEY: Is Mr. Balducci in this morning?

UD VOICE: Hold on one moment please.

BALDUCCI: Good morning, sir.

J. LACKEY: Hey, Tim.

BALDUCCI: How are you doing this morning, Judge?

J. LACKEY: Doing good. You have a good weekend?

BALDUCCI: Man I had a great holiday. Thank you very much, Sir. How about yourself?

J. LACKEY: Well, well, I worked. Not in the office. I worked in my garden and yard till I was about wore out.

BALDUCCI: Well you got to be careful now. It's hot out there now.

J. LACKEY: Oh, it sure is.

BALDUCCI: Don't overwork yourself.

J. LACKEY: My main man Albert [?] was – he was on furlough so I had to get as much work out of him as I could while he was off on furlough.

BALDUCCI: [Laughing] Oh, well good, well good. Well listen, Judge, I wanted to make sure – I'm glad you called cause I want to make sure now – are you – I mean I saw the order came down the other day. Is everything okay now? I mean I, I, I just, I want to make sure that I haven't offended you –

J. LACKEY: Oh no –

BALDUCCI: I want to make sure I haven't done anything to jeopardize my relationship with you because I want you to know how much I value your friendship, and I wouldn't have done anything in the world to jeopardize that or do anything to hurt you or anything, and I feel, I feel like I, like I, like you –

J. LACKEY: Well –

BALDUCCI: My impression is that I've put you in a, in a bad position.

J. LACKEY: Well I just wanted to give you a little heads-up on, on this thing. I may have – I kind of panicked, I guess. I went to Doris Patton's [?] retirement reception – when was it? – my days are all confused now.

BALDUCCI: Sure.

J. LACKEY: But it was at the Chandler [?] Building there in Oxford the other day, and Christine Tatum was there, and in the course of the conversation someone asked her where her office was, and she pointed and said right across the street. And from a

comment made by, uh, one of the lawyers present, it was noted that she was a member of the Daniel Copeland [?] firm –

BALDUCCI: Uh huh.

J. LACKEY: – and that they were representing Dickie Scruggs –

BALDUCCI: Uh huh.

J. LACKEY: And I believe it was Judge Lamb's [?] son, Bill Duke [?] –

BALDUCCI: Yeah, uh huh.

J. LACKEY: And, and I thought about the comments over, over the weekend, and I thought he might have been trying to send me a message or something, you know, so –

BALDUCCI: Uh huh.

J. LACKEY: That's, that's the reason I sent that notice of, of recusal, but I haven't sent it to the Supreme Court, and after thinking about it and having time to read some of the cases dealing with recusal, I feel, I feel it'd be okay, and I think it'd be probably best for, you know, y'all [?], and I just wanted to –

BALDUCCI: Yeah.

J. LACKEY: – kind of give you a heads-up that I'm, I'm, I'm thinking about notifying the attorneys that I'm going to withdraw my, my recusal, and if you can, if you can, if you see him, you tell him to reserve me a padded nonsmoking [?] room –

BALDUCCI: [Laughing] No, no listen, I, if you, I just want to, listen, my biggest concern – and not my biggest, my only concern is I just didn't for gosh sake I didn't want to do anything that made you uncomfortable or put you in a bad position, and I damn sure didn't want to do anything to jeopardize my relationship with you, Judge, because there is nothing in this world that I, that I value more than, than that, and I just can't tell you how much I – how personally close I feel to you. Judge, I credit you and Judge Coleman for teaching me how to practice law now. I mean I grew up as a lawyer in y'all's courts. Y'all taught me the practice of law, and I look at y'all, at you and Judge Coleman, as way more than just friends and respected mentors. I mean I look at y'all as damn near my family on the legal, in the legal community. You know, there's nobody I feel closer to and I just – goodness sakes, I, I, I've just, I've fretted about this cause I just didn't want to do anything in the world to, to, to ever do that, that, to do that harm, that relationship any harm.

J. LACKEY: Yeah, well I, I, you know, I appreciate that. I sure do, Tim. I, I, you know, well I've looked at you kind of like you [inaudible], you know.

BALDUCCI: Sure.

J. LACKEY: And, uh, but, if, well I'm going to think about this thing and, but, but, you know, I was thinking about, you know, I've been of counsel –

BALDUCCI: Yes, sir.

J. LACKEY: That's [inaudible] about having a deepwater [?] Baptist [?] card-carrying Republican –

BALDUCCI: We'd love it!

J. LACKEY: In the same building.

BALDUCCI: We would absolutely love it.

J. LACKEY: [Laughing]

BALDUCCI: Listen, you talk about an inspiring debate and a, and a great opportunity now. Listen, I spent, I was over in Oxford – this just goes to show you – I was over in Oxford Thursday evening and I was at our – you know, I told you we'd got that Duvall's [?] building now.

J. LACKEY: Yeah, yeah.

BALDUCCI: And I was up there, and Judge it's [?] incredible just the activity that, you know, that goes – I had forgotten because I'd been out of that loop for so long in Oxford on that square and all. Just the activity there. I went over there and had a client meeting at five o'clock and I met some, some girls there on some dope cases. They got arrested from Charleston, and I was there with them till about 5:45, and then Judge Gillespie came in.

J. LACKEY: [Laughing]

BALDUCCI: He walked up and I talked with him for about an hour or so, and we got into talking about politics and talking about just everything, you know, and he was, he was on his way going out to the Good Ol' Boys. Did you go out there?

J. LACKEY: No [laughs], I'm, I'm a little reluctant to go because somebody'd see me shaking somebody's hand –

BALDUCCI: Yeah.

J. LACKEY: – and talking to them and they'll immediately say, Well, he's supporting him, you know.

BALDUCCI: Right, right.

J. LACKEY: I just –

BALDUCCI: Well why don't we –

J. LACKEY: They say they have a good time. I know that they –

BALDUCCI: Yeah, I know, I know they do. Well I'll tell you this story too. It's funny you talking about what would Patterson think about having you – we would love it and here's why. We don't need no help with the Democrats.

J. LACKEY: [Laughs]

BALDUCCI: We don't need – we got them. You know? It's funny. It's funny. We – the other day Herbert Rogers was in here and we were talking and, you know, Herbert is, is fairly well connected in business and politics –

J. LACKEY: Yeah, yeah, and banking.

BALDUCCI: – and banking. And he's on the board at Ashley Furniture, the Board of Directors at Ashley Furniture. I didn't know this: Ashley Furniture is the largest furniture manufacturer in North America. Did you know that?

J. LACKEY: I did.

BALDUCCI: Okay, so I didn't know that, and they've got –

J. LACKEY: It's a monster.

BALDUCCI: Their local counsel right now – they're using Mitchell McNutt [?] and, and what Herbert was saying was that they were having a meeting the other day and they were talking about the fact that the Board is kind of dissatisfied with Mitchell McNutt. They're dissatisfied because they're just charging them, you know, out the ass all the time for every little phone call and everything, and they're getting way overbilled, but he was saying that also they don't have any political stroke and they can't help with anything, and what Ashley needs is they need help with labor issues and things like that, which is always traditionally a Democrat issue.

J. LACKEY: Sure.

BALDUCCI: And what, and, and that's where I got this idea from because he was saying that, you know, they've got all the Republican connections they need, but where they need help is on the Democrat side.

J. LACKEY: Yeah, yeah.

BALDUCCI: And so Herb was pushing, you know, Chandler, his son, and saying, you know, well, there's this new firm here that's got some Democrat ties that can cross that aisle and help if y'all thinking about making a change down the road, you know, y'all need to think about that. And so that's what we were laughing about the other day. We were talking about oh Judge Lackey, you know, we don't have anybody on our side that can help with the dang Republican side, so we'll make a place for old Judge when he gets ready to hang the, hang the gavel up.

J. LACKEY: Oh [laughing], well look, brother, I just wanted to give you a heads-up –

BALDUCCI: So you think you're leaning right now, if I understand you, you're leaning right now about getting back into –

J. LACKEY: I haven't notified the Supreme Court, thank goodness, you know –

BALDUCCI: Yeah, yeah.

J. LACKEY: And I went over the, my, you know, some of the cases and I said, look, I kind of feel obligated here and, and so I think that's what's going to happen, and uh, but –

BALDUCCI: Well, I just want to make sure, I mean, that we're okay, that you and I are okay –

J. LACKEY: Oh yeah, oh yeah, we're just fine.

BALDUCCI: I mean I don't want any problems between me and you. Like I said –

J. LACKEY: There are none.

BALDUCCI: Judge, I would – it would break my heart if I thought I had, had put you in a, in a bad position. I got really upset, you know, when, you know, after I – I mean, I could kind of tell – when you called the other night, I knew, you know, I could tell in your voice, I knew you were troubled by it, and that's why I said, you know, do what your heart tells you cause I sure didn't want you to, to be in a bad position.

J. LACKEY: Oh yeah, well I, well look, bro, you just, you just keep 'em between the ditches now.

BALDUCCI: I'm gonna do it, I'm gonna do it. You coming to Union County this week?

J. LACKEY: I am – no, yeah, I'll be there tomorrow.

BALDUCCI: Be here tomorrow.

J. LACKEY: Be there tomorrow. I surely will.

BALDUCCI: Well I'm going to come –

J. LACKEY: I hadn't even thought about it. Monette [?] just aims me where I'm supposed to be.

BALDUCCI: I'm going to try to catch up with you tomorrow then and see you.

J. LACKEY: Okay, bud.

BALDUCCI: Hey, thanks, Judge.

J. LACKEY: Thanks now.

BALDUCCI: Take care now, all right, bye.

J. LACKEY: Uh huh. Bye.